HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL No.882 OF 2007

Between:

B.Janardhan

. . .Appellant

AND

The Commissionerate of College Education,
Hyderabad and others

. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri V.B.Shastry
for Shri G.Dasaradha Rami Reddy

22nd October, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 06.08.2007 passed by the learned Single Judge in Writ Petition No.13630 of 2007 whereby he rejected the appellant's prayer for quashing the decision of respondent No.3 to retire him from service with effect from 30.06.2007.

The appellant joined the service as Librarian in SLNS College, Bhongir, Nalgonda District (hereinafter referred to as 'the college') on 21.02.1978. Later on, his designation is said to have been changed as Lecturer in Library Science. The appellant was retired from service with effect from 30.06.2007. He filed Writ Petition No.13630 of 2007 and prayed for quashing the action of respondent No.3 to retire him from the service at the age of 58 years and also for issue of a direction to the respondents to continue him in the service up to the age of 62 years.

The learned Single Judge dismissed the writ petition by observing that in the absence of any decision by the competent authority to enhance the age of retirement of the University Teachers, the appellant is not entitled to continue in service after the age of 58 years.

Shri V.B.Shastry, learned counsel for the appellant argued that the issue raised in the writ petition filed by his client had nothing to do with the batch of other writ petitions filed by University Teachers, who had sought enhancement of the age of retirement from 60 to 62 years.

Learned counsel submits that even though he had brought to the notice of the learned Single Judge that the issue raised in the writ petition filed by his client is not similar to the one raised in the batch of writ petitions, the same was dismissed along with the other writ petitions.

We have carefully scanned the record, but have not been able to find anything from which it can be inferred that the learned counsel had made a prayer before the learned Single Judge to segregate Writ Petition No. 13630 of 2007 from the batch of other cases. In any case, if what the learned counsel says is correct, then instead of filing appeal against the order of the learned Single Judge, the appellant should have sought review of the order under challenge by pointing out the so-called apparent mistake committed by the learned Single Judge in adjudicating the writ petition along with batch of other cases which, according to the learned counsel, were filed by the University Teachers for enhancement of age of retirement.

With the above observation, the appeal is dismissed leaving the appellant free to seek review of the order under challenge.

As a sequel to dismissal of the appeal, W.A.M.P.No. 1770 of 2007 filed by the appellant for suspending the operation of order dated 06.08.2007 passed by the learned Single Judge is also dismissed.

G.S.SINGHVI, CJ

22nd October, 2007

G.ROHINI, J

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